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### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed January 4, 2005. In view of both the amendments presented above and the following discussion, the Applicants respectfully submit that the pending claims are patentable over the cited references under 35 U.S.C. §103.

Claims 1-33 are pending. Claims 1-22, 25-32, and 33 are amended. The amendments contain no new matter and are supported by the Applicants' original specification, including drawings and original claims. It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant amendments.

### **CLAIMS PATENTABLE UNDER 35 U.S.C. §103**

#### **A. Claims 1-5, 8-16, and 20-33**

The Examiner rejected claims 1-5, 8-16, and 20-33 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,268,501 to Schein et al. ("Schein") and U.S. Patent No. 5,768,491 to Lobodzinski et al. ("Lobodzinski").

The Applicants respectfully traverse the rejection, because a *prima facie* case of obviousness has not been established. A *prima facie* case of obviousness is established under 35 U.S.C. §103 when the Office Action provides: one or more references that were available to the inventor and that teach a suggestion to combine or modify the references, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. The Office Action failed to establish that the combined teachings of Schein and Lobodzinski render the claimed subject matter obvious, because the combined teachings lack the claimed graphics layer that selectively provides emphasis and de-emphasis of a

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user-selectable object in a video layer of a program guide for an interactive information distribution system.

Claim 1 recites, *inter alia*, "a graphics layer of said program guide, where said graphics layer selectively overlays and provides emphasis and de-emphasis of said at least one user-selectable object in said video layer". Schein fails to teach any user-selectable object in a video layer. Schein only teaches highlighting text in the channel 504 and program 502 guides, not video. (See Schein, Figures 16A-B, 20A-C.) The only video in the channel 504 and program 502 guides is a preview window area 528 and a program area 526, but neither of these video areas are overlaid by graphics or emphasized by a graphics layer as claimed. (See Schein, col. 21, lines 52-55). Lobodzinski is about video window clipping. (See Lobodzinski, title, abstract). Lobodzinski also fails to teach or suggest the claimed graphics layer that selectively provides emphasis and de-emphasis of a user-selectable object in a video layer of a program guide for an interactive information distribution system. Video window clipping is not relevant to the claimed invention, because the claimed video and graphics layers are not in separate windows that overlap and, therefore there is no need for window clipping. Accordingly, claim 1 is patentable over the combination of Schein and Lobodzinski under 35 U.S.C. §103.

Claim 16 recites, *inter alia*, "selectively providing at least one of emphasis and de-emphasis of at least one user-selectable object in said video layer that is associated with selectable video content sent from said provider equipment using said graphics layer". For the same reasons as discussed above with respect to claim 1, claim 16 is patentable over the combination of Schein and Lobodzinski under 35 U.S.C. §103.

Claims 2-5, 8-15, and 20-33 depend, directly or indirectly, from independent claim 1 or 16 and recite additional elements. Thus, claims 2-5, 8-15, and 20-33 are also patentable over the combination of Schein and Lobodzinski.

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Therefore, the Applicants respectfully request that the rejection of claims 1-5, 8-16, and 20-33 under 35 U.S.C. §103 be withdrawn and that these claims be passed to allowance.

**B. Claims 6-7 and 17-19**

The Examiner rejected claims 6-7 and 17-19 as being unpatentable under 35 U.S.C. §103 over Schein and Lobodzinski and U.S. Patent No. 6,016,144 to Blonstein et al. ("Blonstein").

The Applicants respectfully traverse the rejection.

Claims 6 and 7 and 17-19 respectively depend from independent claims 1 and 16, and recite additional elements. As discussed above, the combination of the Schein and Lobodzinski fails to teach or suggest the claimed graphics layer that selectively provides emphasis and de-emphasis of a user-selectable object in a video layer of a program guide for an interactive information distribution system.

Furthermore, the Blonstein reference fails to bridge the substantial gap as between the Schein and Lobodzinski references, and the claimed invention. In particular, Blonstein discloses a graphical user interface (GUI) to produce a multilayered graphical presentation. Specifically, the Blonstein arrangement utilizes a graphics processing engine to generate two graphics planes including, in one mode of operation, a transparent layer which exposes graphical buttons produced in a lower graphics layer. However, the Blonstein reference does not teach or suggest a video layer of the program guide, nor does it teach or suggest a video layer in which video objects are emphasized or deemphasized by a graphics layer of the same program guide. Rather, Blonstein is entirely directed towards graphics processing within the context of a graphical user interface, and not to a mixed video and graphics layer processing as claimed by the Applicants in claim 6.

Further, as noted by the Examiner, "Schein et al. does not specifically show the masking and revealing an object." The Applicants agree with this,

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since such masking and revealing require a masking layer. However, to the extent that Schein shows any changing of opacity and emphasis of an object, such object comprises a graphics region object and not a video region object, and certainly not a video layer object.

Per the Office Action, the Examiner offers Blonstein to show only masking and revealing of a lower graphics layer object using a higher graphics layer in a program guide. However, there is no teaching or suggestion of using a video layer, and certainly no teaching or suggestion of masking and revealing video layer objects of the program guide by a graphics layer of the very same program guide in accordance with the claimed invention.

Thus, the Schein, Lobodzinski, and Blonstein arrangements, either singly or in any allowable combination, fail to disclose or suggest a program guide comprising a video layer and a graphics layer overlaying same, or the emphasis/de-emphasis (or masking/revealing) of a video layer object using a graphics layer. The references are directed to graphics region (Schein) or layer (Blonstein) processing only and do not teach or suggest the claimed invention. Therefore, claims 6-7 and 17-19 are patentable over the combination of Schein, Lobodzinski and Blonstein under 35 U.S.C. §103. Accordingly, the Applicants respectfully request that the rejection be withdrawn and that the claims be passed to allowance.

#### **SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the Office Action. Therefore, the Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

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### CONCLUSION

Thus, the Applicants respectfully submit that the claims are patentable over the references cited under 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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